

**AMENDMENTS TO THE CLAIMS**

Please **AMEND** claims 1, 8, 22, and 27 as shown below.

The following is a complete list of all claims in this application.

1. (Currently Amended) A mouthguard for insertion into a wearer's mouth to protect the wearer's teeth and temporomandibular joint from trauma, said mouthguard comprising:

a generally curved, flexible member having a longitudinal extent and including a central portion for protecting the wearer's anterior teeth and two end members each extending rearwardly from said central portion for protecting the wearer's posterior teeth, said flexible member having a front surface adjacent the wearer's lips and cheeks, a rear surface adjacent the wearer's anterior and posterior teeth when the mouthguard is inserted into the wearer's mouth, and a thickness defined by the distance between the front and rear surfaces;

a first groove extending into one of said front and rear surfaces a predetermined depth less than the thickness of said flexible member, said groove defining a first hinge permitting flexing of a portion of the flexible member about said hinge to conform to the wearer's mouth; and

a bite tab extending along a substantial portion of said longitudinal extent and projecting inwardly from said central portion and said end members, said bite tab being adapted to be engaged by at least one of the wearer's anterior teeth and one of the wearer's posterior teeth.

2. (Original) The mouthguard of claim 1, further comprising a division separating said bite tab into first and second portions providing the bite tab with additional flexibility.

3. (Original) The mouthguard of claim 2, wherein said first and second bite tab portions each have an anterior section adapted to be engaged by at least one anterior tooth and a posterior section adapted to be engaged by at least one posterior tooth.

4. (Original) The mouthguard of claim 3, wherein said anterior and posterior sections of said bite tab are adapted to be engaged by all of a wearer's teeth.

5. (Original) The mouthguard of claim 3, wherein the anterior and posterior sections of said first bite tab portion have substantially the same thickness.

6. (Original) The mouthguard of claim 3, wherein the thickness of the anterior section of said first bite tab portion is different than the thickness of the posterior section of said first bite tab portion.

7. (Original) The mouthguard of claim 1, wherein said groove extends generally horizontally across at least one of the front and rear surfaces of said flexible member when said mouthguard is placed in the wearer's mouth such that a portion of said flexible member is adapted to hinge about the groove to conform to the wearer's mouth.

8. (Currently Amended) A mouthguard comprising:

a frame member adapted to fit into the mouth of a wearer, wherein said frame member has an outwardly facing front surface, an inwardly facing rear surface, a central portion and end portions extending from said central portion;

a bite tab adapted to engage at least a portion of both the top and bottom teeth of the wearer, said bite tab extending inwardly from the central portion of said frame and positioned to engage at least a portion of the front teeth of the wearer when the jaw of the wearer's mouth is closed; and

a division separating said bite tab into sections and providing additional flexibility to the bite tab, permitting spacing between said bite tab sections to change to accommodate different mouth sizes.

9. (Original) The mouthguard of claim 8, wherein said division comprises at least one of a narrow opening, a partial split, and a complete split.

10. (Original) The mouthguard of claim 8, further comprising a plurality of divisions in said bite tab dividing said bite tab into at least three sections.

11. (Original) The mouthguard of claim 10, wherein said plurality of divisions comprise at least one of a narrow opening, partial split, and complete split.

12. (Original) The mouthguard of claim 8, wherein said sections of said bite tab include a posterior portion adapted to engage at least one of the posterior teeth of a wearer.

13. (Original) The mouthguard of claim 12, wherein said bite tab is adapted to engage all of the top and bottom teeth of the wearer.

14. (Original) The mouthguard of claim 8, wherein said division is located in a posterior section of said bite tab.

15. (Original) The mouthguard of claim 8, wherein said division is located in an anterior section of said bite tab.

16. (Original) The mouthguard of claim 8, wherein the front surface of said frame member is designed to lie adjacent to the wearer's lips and cheeks, and the rear surface of said frame member is designed to lie adjacent to at least some of the wearer's teeth so as to allow the muscles of the lips and cheeks of the wearer to retain the mouthguard.

17. (Original) The mouthguard of claim 8, further comprising a groove extending along at least one of the front and rear surfaces of said frame member, said groove facilitating flexing of a portion of said frame member.

18. (Original) The mouthguard of claim 8, further comprising an air hole in said frame member.

19. (Original) The mouthguard of claim 8, further comprising a helmet strap attachment coupled to said frame member.

20. (Original) The mouthguard of claim 8, wherein said bite tab sections extend rearwardly past the end portions of said frame member.

21. (Original) The mouthguard of claim 8, wherein said frame member is adapted to be adjacent to some of the wearer's anterior and some of the wearer's posterior teeth when in use.

22. (Currently Amended) A mouthguard comprising:

flexible means for protecting a wearer's lips and teeth from trauma, said flexible means being adapted to be disposed between the inside of the lips and outside of the teeth of a wearer; and

means for engaging at least some of both the anterior and posterior teeth of a wearer of the mouthguard, said means for engaging the teeth including means for adding flexibility to said anterior and posterior teeth engaging means, said flexibility adding means permitting spacing between portions of said teeth engaging means to change to accommodate different mouth sizes.

23. (Original) The mouthguard of claim 22, further comprising means for providing additional flexibility to said mouthguard during insertion of said mouthguard in the wearer's mouth.

24. (Original) The mouthguard of claim 23, wherein said means for providing additional flexibility comprises a groove located on a surface of said flexible protecting means.

25. (Original) The mouthguard of claim 22, wherein said means for adding flexibility to said anterior and posterior teeth engaging means comprises a split located in said anterior and posterior teeth engaging means.

26. (Original) The mouthguard of claim 22, wherein said flexible means for protecting a wearer's lips and teeth from trauma comprises a generally curved frame having a central portion for protecting the wearer's anterior teeth and two end members each extending rearwardly from

said central portion for protecting the wearer's posterior teeth, said flexible member having a front surface adjacent the wearer's lips and cheeks, and a rear surface adjacent the wearer's anterior and posterior teeth.

27. (Currently Amended) A mouthguard comprising:

a frame member having an inwardly facing rear surface disposable adjacent a wearer's teeth, and an outwardly facing front surface disposable adjacent to the wearer's lips and cheeks, one of said front and rear surfaces includes a transition separating said one surface into first and second portions that are offset from each other such that the first portion extends outwardly further than second portion;

a first bite tab portion adapted to engage at least a portion of a front tooth of the wearer when the jaw of wearer is closed, said first bite tab portion having a proximal side adjacent the rear surface of said frame member, and a distal side opposite the proximal side;

a second bite tab portion adapted to engage at least a portion of a back tooth of the wearer when the jaw of wearer is closed, said second first-bite tab portion having a proximal side adjacent the rear surface of said frame member, and a distal side opposite the proximal side; and

wherein the mouthguard protects the teeth of the wearer without inducing gagging and need not be boiled or trimmed prior to being used by the wearer.

28. (Previously Presented) The mouthguard of claim 27, wherein said transition comprises a shoulder.

29. (Previously Presented) The mouthguard of claim 27, wherein said one surface is the front surface of said frame member, said first portion of the front surface comprises an upper portion for protecting the upper teeth of the wearer, said second portion of the front surface comprises a lower portion for protecting the lower teeth of the wearer, and said lower portion is set back from said upper portion.

30. (Previously Presented) The mouthguard of claim 29, wherein said transition is disposed in said outwardly facing front surface.

31. (Previously Presented) The mouthguard of claim 27, wherein said bite tab portions project from a region of the rear surface of said frame member adjacent said transition.

32. (Previously Presented) The mouthguard of claim 27, wherein the first and second bite tab portions are adapted to engage a portion of both the top and bottom teeth of the wearer when the jaw of the wearer's mouth is closed.

33. (Previously Presented) The mouthguard of claim 27, wherein the first and second bite tab portions are integrally formed with one another.

34. (Previously Presented) The mouthguard of claim 29, wherein the first bite tab portion includes a division that provides added flexibility to the bite tab portion.

35. (Previously Presented) The mouthguard of claim 30, wherein the division comprises a slit arising from the distal side of the first bite tab portion.